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7590

08/24/2006

KEITH E. GEORGE, ESQ.  
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CUSTOMER NO.: 20277



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(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/055,604

01/23/2002

David M. McMahan

1174/81/4 DIV

9135

TITLE OF INVENTION: AUTOMATED METHODS AND SYSTEMS FOR ANALYZING DATA ASSOCIATED WITH AN INDUSTRIAL PROCESS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	11/24/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
PESIN, BORIS M	2174	715-771000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. McDERMOTT WILL &

2. EMERY LLP

3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY) 00000035 500417 10055604

BOWE BELL + HOWELL COMPANY

DURHAM, NORTH CAROLINA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
- ☒ Advance Order - # of Copies Two

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 500417 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

*Keith E. George*

Date

November 9, 2006

Typed or printed name

Keith E. George

Registration No.

34,111

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Docket No.: 063288-0292

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 20277

David M. MCMAHAN : Confirmation Number: 9135

Application No.: 10/055,604 : Group Art Unit: 2174

Filed: January 23, 2002 : Allowed: August 24, 2006

Examiner: Boris M. Pesin

For: AUTOMATED METHODS AND SYSTEMS FOR ANALYZING DATA ASSOCIATED  
WITH AN INDUSTRIAL PROCESS

**COMMENTS ON STATEMENT OF  
REASONS FOR ALLOWANCE  
UNDER 37 C.F.R. § 104(e)**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance accompanied the August 24, 2006 Notice of Allowability regarding the above-identified application. Although Applicant agrees that the claims are patentable over the art, entry of the Statement into the record should not necessarily be construed as any agreement with or acquiescence by Applicant in the particular reasoning set forth in the Statement, particularly to the extent if any that the wording used in the Statement may differ from the actual claim language and/or the otherwise proper interpretation of the claim language.

The Statement sets forth a single rationale for patentability with respect to all of the allowed claims. However, the language of the Statement does not precisely track the wording of any particular independent claim. Also, the Statement suggests that the features paraphrased in

the Statement are not taught in the prior art "in combination with all of the other claim limitations." It is submitted that each claim is independently patentable in its own right, in view of the recitations that actually appear in each respective claim. Also, the Statement's reference to the "combination" should not be construed as placing any additional weight on other individual elements of the claim or a requirement for combinations of recitations from different ones of the allowed claims, and as such, the Statement should not impose any cumulative requirement for patentability or related estoppel with regard to any claim element.

It is respectfully submitted that the allowed claims should be entitled to the broadest reasonable interpretation and to the broadest range of equivalents that are appropriate in light of the language of the claims, the supporting disclosure and Applicant's prosecution of the claims, without reference to the Statement of Reasons for Allowance.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



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**Date: November 9, 2006**

**Please recognize our Customer No. 20277  
as our correspondence address.**